IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1554 OF 2006.
IN
FIRST APPEAL NO. 573 OF 2006.

State of Maharashtra. ... Applicant.
Versus.
Dhondu Sawleram Mohjad. ... Respondent.

Shri K.K.Tated, A.G.P. for the Applicant.

CORAM : ABHAY S.OKA, J.

DATED : 27th MARCH, 2006.

P.C.:

1. Heard Shri Tated, learned A.G.P. for the Appellant. The Appellant has taken exception to the Judgment and Award passed by the trial Court in a Reference proceedings under section 18 of the Land Acquisition Act, 1894. The Award is in the nature of a money decree and therefore, it cannot be stayed unless the entire amount is deposited by the Applicant.

2. Hence the following order is passed:

i) There will be interim relief in terms of prayer clause (b), subject to condition that the Applicant will deposit with the Reference Court the entire amount due and payable under the impugned Award within a period of 12 weeks from today. If the amount is not deposited within the stipulated time, the interim stay granted will

stand vacated without reference to the Court.

ii) If the amount is deposited, the original Claimant will be entitled to withdraw the same on furnishing security to the satisfaction of the Reference Court.

iii) If the amount deposited by the Applicant is not withdrawn by the original Claimant within six months from the date of deposit of the amount, the Reference Court will invest the said amount in a fixed deposit with any nationalised bank initially for a period of five years and thereafter the fixed deposit will be renewed from year to year.

iv) Civil Application disposed of in the above terms.

v) As this order is passed without notice to the Claimant, he will be at liberty to apply for modification of this order.

Judge.